

108TH CONGRESS
1ST SESSION

H. R. 289

IN THE SENATE OF THE UNITED STATES

APRIL 2, 2003

Received; read twice and referred to the Committee on Environment and
Public Works

AN ACT

To expand the boundaries of the Ottawa National Wildlife
Refuge Complex and the Detroit River International
Wildlife Refuge.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Ottawa National Wild-
3 life Refuge Complex Expansion and Detroit River Inter-
4 national Wildlife Refuge Expansion Act”.

5 **SEC. 2. FINDINGS.**

6 Congress finds that—

7 (1) the western basin of Lake Erie, as part of
8 the Great Lakes ecosystem—

9 (A) is the largest freshwater ecosystem in
10 the world; and

11 (B) is vitally important to the economic
12 and environmental future of the United States;

13 (2) over the 30-year period preceding the date
14 of enactment of this Act, the citizens and govern-
15 mental institutions of the United States and Canada
16 have devoted increasing attention and resources to
17 the restoration of the water quality and fisheries of
18 the Great Lakes, including the western basin;

19 (3) that increased awareness has been accom-
20 panied by a gradual shift toward a holistic eco-
21 system approach that highlights a growing recogni-
22 tion that shoreline areas, commonly referred to as
23 nearshore terrestrial ecosystems, are an integral part
24 of the western basin and the Great Lakes ecosystem;

1 (4) the Great Lakes account for more than 90
2 percent of the surface freshwater in the United
3 States;

4 (5) the western basin receives approximately 90
5 percent of its flow from the Detroit River and only
6 approximately 10 percent from tributaries;

7 (6) the western basin is an important ecosystem
8 that includes a number of distinct islands, channels,
9 rivers, and shoals that support dense populations of
10 fish, wildlife, and aquatic plants;

11 (7) coastal wetland of Lake Erie supports the
12 largest diversity of plant and wildlife species in the
13 Great Lakes;

14 (8) because Lake Erie is located at a more
15 southern latitude than other Great Lakes, the mod-
16 erate climate of Lake Erie is appropriate for many
17 species that are not found in or along the northern
18 Great Lakes;

19 (9) more than 300 species of plants, including
20 37 significant species, have been identified in the
21 aquatic and wetland habitats of the western basin;

22 (10) the shallow western basin of Lake Erie,
23 extending from the Lower Detroit River to Sandusky
24 Bay, is home to the greatest concentration of
25 marshes in Lake Erie, including—

- 1 (A) Mouille, Metzger, and Magee marshes;
2 (B) the Maumee Bay wetland complex;
3 (C) the wetland complexes flanking Locust
4 Point; and
5 (D) the wetland in Sandusky Bay;
6 (11) the larger islands of the United States in
7 western Lake Erie have wetland in small
8 embayments;
9 (12) the wetland in the western basin comprises
10 some of the most important waterfowl habitat in the
11 Great Lakes;
12 (13) waterfowl, wading birds, shore birds, gulls
13 and terns, raptors, and perching birds use the wet-
14 land in the western basin for migration, nesting, and
15 feeding;
16 (14) hundreds of thousands of diving ducks
17 stop to rest in the Lake Erie area during autumn
18 migration from Canada to points east and south;
19 (15) the wetland of the western basin provides
20 a major stopover for ducks, such as migrating
21 bufflehead, common goldeneye, common mergansers,
22 and ruddy duck;
23 (16) the international importance of Lake Erie
24 is indicated in the United States by congressional

1 designation of the Ottawa and Cedar Point National
2 Wildlife Refuges;

3 (17)(A) Lake Erie has an international reputa-
4 tion for walleye, perch, and bass fishing, recreational
5 boating, birding, photography, and duck hunting;
6 and

7 (B) on an economic basis, tourism in the Lake
8 Erie area accounts for an estimated \$1,500,000,000
9 in retail sales and more than 50,000 jobs;

10 (18)(A) many of the 417,000 boats that are
11 registered in the State of Ohio are used in the west-
12 ern basin, in part to fish for the estimated
13 10,000,000 walleye that migrate from the lake to
14 spawn; and

15 (B) that internationally renowned walleye fish-
16 ery drives much of the \$2,000,000,000 sport fishing
17 industry in the State of Ohio;

18 (19) coastal wetland in the western basin has
19 been subjected to intense pressure for 150 years;

20 (20) prior to 1850, the western basin was part
21 of an extensive coastal marsh and swamp system
22 consisting of approximately 122,000 hectares that
23 comprised a portion of the Great Black Swamp;

24 (21) by 1951, only 12,407 wetland hectares re-
25 mained in the western basin;

1 (22) 50 percent of that acreage was destroyed
2 between 1972 and 1987, leaving only approximately
3 5,000 hectares in existence today;

4 (23) along the Michigan shoreline, coastal wet-
5 land was reduced by 62 percent between 1916 and
6 the early 1970s;

7 (24) the development of the city of Monroe,
8 Michigan, has had a particularly significant impact
9 on the coastal wetland at the mouth of the Raisin
10 River;

11 (25) only approximately 100 hectares remain
12 physically unaltered today in an area in which, 70
13 years ago, marshes were 10 times more extensive;

14 (26) in addition to the actual loss of coastal
15 wetland acreage along the shores of Lake Erie, the
16 quality of much remaining dike wetland has been de-
17 graded by numerous stressors, especially excessive
18 loadings of sediments and nutrients, contaminants,
19 shoreline modification, exotic species, and the diking
20 of wetland; and

21 (27) protective peninsula beach systems, such
22 as the former Bay Point and Woodtick, at the bor-
23 der of Ohio and Michigan near the mouth of the Ot-
24 tawa River and Maumee Bay, have been eroded over
25 the years, exacerbating erosion along the shorelines

1 and negatively affecting breeding and spawning
2 grounds.

3 **SEC. 3. DEFINITIONS.**

4 In this Act:

5 (1) INTERNATIONAL REFUGE.—The term
6 “International Refuge” means the Detroit River
7 International Wildlife Refuge established by section
8 5(a) of the Detroit River International Wildlife Ref-
9 uge Establishment Act (16 U.S.C. 668dd note; 115
10 Stat. 894).

11 (2) REFUGE COMPLEX.—The term “Refuge
12 Complex” means the Ottawa National Wildlife Ref-
13 uge Complex and the lands and waters in the com-
14 plex, as described in the document entitled “The
15 Comprehensive Conservation Plan for the Ottawa
16 National Wildlife Refuge Complex” and dated Sep-
17 tember 22, 2000, including—

18 (A) the Ottawa National Wildlife Refuge,
19 established by the Secretary in accordance with
20 the Migratory Bird Conservation Act (16
21 U.S.C. 715 et seq.);

22 (B) the West Sister Island National Wild-
23 life Refuge established by Executive Order No.
24 7937, dated August 2, 1937; and

1 (C) the Cedar Point National Wildlife Ref-
2 uge established by the Secretary in accordance
3 with the Migratory Bird Conservation Act (16
4 U.S.C. 715 et seq.).

5 (3) SECRETARY.—The term “Secretary” means
6 the Secretary of the Interior.

7 (4) WESTERN BASIN.—

8 (A) IN GENERAL.—The term “western
9 basin” means the western basin of Lake Erie,
10 consisting of the land and water in the water-
11 sheds of Lake Erie extending from the water-
12 shed of the Lower Detroit River in the State of
13 Michigan to and including Sandusky Bay and
14 the watershed of Sandusky Bay in the State of
15 Ohio.

16 (B) INCLUSION.—The term ‘western basin’
17 includes the Bass Island archipelago in the
18 State of Ohio.

19 **SEC. 4. EXPANSION OF BOUNDARIES.**

20 (a) REFUGE COMPLEX BOUNDARIES.—

21 (1) EXPANSION.—The boundaries of the Refuge
22 Complex are expanded to include land and water in
23 the State of Ohio from the eastern boundary of
24 Maumee Bay State Park to the eastern boundary of
25 the Darby Unit (including the Bass Island archi-

1 pelago), as depicted on the map entitled “Ottawa
2 National Wildlife Refuge Complex Expansion and
3 Detroit River International Wildlife Refuge Expans-
4 sion Act” and dated September 6, 2002.

5 (2) AVAILABILITY OF MAP.—The map referred
6 to in paragraph (1) shall be available for inspection
7 in appropriate offices of the United States Fish and
8 Wildlife Service.

9 (b) BOUNDARY REVISIONS.—The Secretary may
10 make such revisions of the boundaries of the Refuge Com-
11 plex as the Secretary determines to be appropriate to fa-
12 cilitate the acquisition of property within the Refuge Com-
13 plex.

14 (c) ACQUISITION.—

15 (1) IN GENERAL.—Subject to paragraph (2),
16 the Secretary may acquire by donation, purchase
17 with donated or appropriated funds, or exchange the
18 land and water, and interests in land and water (in-
19 cluding conservation easements), within the bound-
20 aries of the Refuge Complex.

21 (2) MANNER OF ACQUISITION.—Any and all ac-
22 quisitions of land or waters under the provisions of
23 this Act shall be made in a voluntary manner and
24 shall not be the result of forced takings.

1 (d) TRANSFERS FROM OTHER AGENCIES.—Adminis-
2 trative jurisdiction over any Federal property that is lo-
3 cated within the boundaries of the Refuge Complex and
4 under the administrative jurisdiction of an agency of the
5 United States other than the Department of the Interior
6 may, with the concurrence of the head of the admin-
7 istering agency, be transferred without consideration to
8 the Secretary for the purpose of this Act.

9 (e) STUDY OF ASSOCIATED AREA.—

10 (1) IN GENERAL.—The Secretary, acting
11 through the Director of the United States Fish and
12 Wildlife Service, shall conduct a study of fish and
13 wildlife habitat and aquatic and terrestrial commu-
14 nities in and around the 2 dredge spoil disposal sites
15 that are—

16 (A) referred to by the Toledo-Lucas Coun-
17 ty Port Authority as “Port Authority Facility
18 Number Three” and “Grassy Island”, respec-
19 tively; and

20 (B) located within Toledo Harbor near the
21 mouth of the Maumee River.

22 (2) REPORT.—Not later than 18 months after
23 the date of enactment of the Act, the Secretary
24 shall—

1 (A) complete the study under paragraph
2 (1); and

3 (B) submit to Congress a report on the re-
4 sults of the study.

5 **SEC. 5. EXPANSION OF INTERNATIONAL REFUGE BOUND-**
6 **ARIES.**

7 The southern boundary of the International Refuge
8 is extended south to include additional land and water in
9 the State of Michigan located east of Interstate Route 75,
10 extending from the southern boundary of Sterling State
11 Park to the Ohio State boundary, as depicted on the map
12 referred to in section 4(a)(1).

13 **SEC. 6. ADMINISTRATION.**

14 (a) REFUGE COMPLEX.—

15 (1) IN GENERAL.—The Secretary shall admin-
16 ister all federally owned land, water, and interests in
17 land and water that are located within the bound-
18 aries of the Refuge Complex in accordance with—

19 (A) the National Wildlife Refuge System
20 Administration Act of 1966 (16 U.S.C. 668dd
21 et seq.); and

22 (B) this Act.

23 (2) ADDITIONAL AUTHORITY.—The Secretary
24 may use such additional statutory authority avail-
25 able to the Secretary for the conservation of fish and

1 wildlife, and the provision of opportunities for fish-
2 and wildlife-dependent recreation, as the Secretary
3 determines to be appropriate to carry out this Act.

4 (b) ADDITIONAL PURPOSES.—In addition to the pur-
5 poses of the Refuge Complex under other laws, regula-
6 tions, executive orders, and comprehensive conservation
7 plans, the Refuge Complex shall be managed—

8 (1) to strengthen and complement existing re-
9 source management, conservation, and education
10 programs and activities at the Refuge Complex in a
11 manner consistent with the primary purposes of the
12 Refuge Complex—

13 (A) to provide major resting, feeding, and
14 wintering habitats for migratory birds and
15 other wildlife; and

16 (B) to enhance national resource conserva-
17 tion and management in the western basin;

18 (2) in partnership with nongovernmental and
19 private organizations and private individuals dedi-
20 cated to habitat enhancement, to conserve, enhance,
21 and restore the native aquatic and terrestrial com-
22 munity characteristics of the western basin (includ-
23 ing associated fish, wildlife, and plant species);

24 (3) to facilitate partnerships among the United
25 States Fish and Wildlife Service, Canadian national

1 and provincial authorities, State and local govern-
2 ments, local communities in the United States and
3 Canada, conservation organizations, and other non-
4 Federal entities to promote public awareness of the
5 resources of the western basin; and

6 (4) to advance the collective goals and priorities
7 that—

8 (A) were established in the report entitled
9 “Great Lakes Strategy 2002—A Plan for the
10 New Millennium”, developed by the United
11 States Policy Committee, comprised of Federal
12 agencies (including the United States Fish and
13 Wildlife Service, the National Oceanic and At-
14 mospheric Administration, the United States
15 Geological Survey, the Forest Service, and the
16 Great Lakes Fishery Commission) and State
17 governments and tribal governments in the
18 Great Lakes basin; and

19 (B) include the goals of cooperating to pro-
20 tect and restore the chemical, physical, and bio-
21 logical integrity of the Great Lakes basin eco-
22 system.

23 (c) PRIORITY USES.—In providing opportunities for
24 compatible fish- and wildlife-dependent recreation, the
25 Secretary, in accordance with paragraphs (3) and (4) of

1 section 4(a) of the National Wildlife Refuge System Ad-
 2 ministration Act of 1966 (16 U.S.C. 668dd(a)), shall en-
 3 sure that hunting, fishing, wildlife observation and photog-
 4 raphy, and environmental education and interpretation are
 5 the priority public uses of the Refuge Complex.

6 (d) COOPERATIVE AGREEMENTS REGARDING NON-
 7 FEDERAL LAND.—To promote public awareness of the re-
 8 sources of the western basin and encourage public partici-
 9 pation in the conservation of those resources, the Sec-
 10 retary may enter into cooperative agreements with the
 11 State of Ohio or Michigan, any political subdivision of the
 12 State, or any person for the management, in a manner
 13 consistent with this Act, of land that—

14 (1) is owned by the State, political subdivision,
 15 or person; and

16 (2) is located within the boundaries of the Ref-
 17 uge Complex.

18 **SEC. 7. AUTHORIZATION OF APPROPRIATIONS.**

19 There are authorized to be appropriated such sums
 20 as are necessary—

21 (1) to acquire land and water within the Refuge
 22 Complex under section 4(c);

23 (2) to carry out the study under section 4(e);
 24 and

Attest: **JEFF TRANDAHL,**
Clerk.